

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

LE CHATEAU ART GALLERY AND CUSTOM FRAMING, LLC,
Debtor.

ERIC JUSTIN DIETRICH,

Appellant,

v.

BASIL T SIMON , STATE COURT
RECEIVER OF LE CHATEAU ART
GALLERY AND CUSTOM FRAMING,
LLC,

Appellee.

Civil Case No. 14-11498

SENIOR UNITED STATES DISTRICT
JUDGE ARTHUR J. TARNOW

MAGISTRATE JUDGE MONA K.
MAJZOUN

ORDER GRANTING APPELLEE’S MOTION TO DISMISS [11]

Before the Court is Appellee’s Motion to Dismiss [11] and Appellant’s Response [18].¹ For the following reasons, Appellee’s Motion to Dismiss [11] is **GRANTED** and this case is **DISMISSED WITH PREJUDICE**.

This appeal is one in a series of similar appeals filed by Appellant and his father, Edgar Dietrich, in several courts. Several courts have already held that Appellant and his father do not have standing to bring the claims in this case. Michigan Judge Marci McIvor found Debtor Le Chateau Art Gallery & Custom

¹ Debtor-Appellant also filed two Motions to Recuse Magistrate Judge Mona K. Majzoub [7, 22]. The Court denies those Motions [7, 22] and simply notes that the Magistrate Judge played no role in deciding this case.

Framing, LLC (the “Gallery”) to be under the sole control of Appellee Basil T. Simon, in his capacity as the state court appointed receiver over the Gallery and the Chapter 7 trustee over the Estate of Edgar J. Dietrich. Appellant has been previously adjudged to have no authority to speak on behalf of the Gallery. (Ex. A). Further, a corporation may only appear via an attorney, so, as previous courts have stated, Eric Dietrich does not have authority to bring this case. *United States v. 9.19 Acres of Land, More or Less, in Marquette County, Mich.*, 416 F.2d 1244, 1245 (6th Cir. 1969) (holding a corporation may not appear otherwise than through attorney and may not be represented by its president in federal court).

Accordingly, the Court being fully advised in the premises,

IT IS ORDERED that Appellee’s Motion to Dismiss [11] is **GRANTED**.

IT IS ORDERED that Debtor-Appellant’s Motions to Recuse Magistrate Judge Mona K. Majzoub [7, 22] are **DENIED**.

IT IS FURTHER ORDERED that this case is **DISMISSED WITH PREJUDICE**.

SO ORDERED.

Dated: January 30, 2015

s/Arthur J. Tarnow

Arthur J. Tarnow

Senior United States District Judge